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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-143

13 **MARY LOIS BENJAMIN, AKA MARY**  
14 **LOIS RAHMING**

**DEFAULT DECISION AND ORDER**

15 217 W. 66th Street  
16 Los Angeles, CA 90003

[Gov. Code, §11520]

16 Registered Nurse License No. 479254

17 Respondent.  
18

19 **FINDINGS OF FACT**

20 1. On or about August 24, 2012, Complainant Louise R. Bailey, M.Ed., R.N., in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs, filed Accusation No. 2013-143 against Mary Lois Benjamin, aka Mary Lois  
23 Rahming ("Respondent") before the Board of Registered Nursing. (Accusation attached as  
24 Exhibit A.)

25 2. On or about June 30, 1992, the Board of Registered Nursing ("Board") issued  
26 Registered Nurse License No. 479254 to Respondent. The Registered Nurse License expired on  
27 January 31, 2008, and has not been renewed.  
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1           3.    On or about August 24, 2012, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 2013-143, Statement to Respondent, Notice of Defense,  
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
4 and 11507.7) at Respondent's address of record which, pursuant to California Code of  
5 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.  
6 Respondent's address of record was and is:

7    217 W. 66th Street  
8    Los Angeles, CA 90003.

9           4.    On or about August 24, 2012, Respondent was served by Certified and First Class  
10 Mail copies of the Accusation No. 2013-143, Statement to Respondent, Notice of Defense,  
11 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
12 and 11507.7) at:

13    1106 West Bell Rd., Apt. 2160  
14    Phoenix, AZ 85028.

15           5.    Service of the Accusation was effective as a matter of law under the provisions of  
16 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
17 124.

18           6.    On or about September 10, 2012, the first class mailings described in paragraphs 3  
19 and 4 were returned to the Board marked "Attempted Not Known." As of October 1, 2012,  
20 neither of the Certified Mailings described in paragraphs 3 and 4 were returned.

21           7.    Government Code section 11506 states, in pertinent part:

22               (c) The respondent shall be entitled to a hearing on the merits if the respondent  
23               files a notice of defense, and the notice shall be deemed a specific denial of all parts  
24               of the accusation not expressly admitted. Failure to file a notice of defense shall  
25               constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
26               may nevertheless grant a hearing.

27           8.    Respondent failed to file a Notice of Defense within 15 days after service upon her of  
28 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2013-  
29 143.

30           9.    California Government Code section 11520 states, in pertinent part:

31               (a) If the respondent either fails to file a notice of defense or to appear at the

1 hearing, the agency may take action based upon the respondent's express admissions  
2 or upon other evidence and affidavits may be used as evidence without any notice to  
3 respondent.

4 10. Pursuant to its authority under Government Code section 11520, the Board finds  
5 Respondent is in default. The Board will take action without further hearing and, based on the  
6 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
7 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
8 file at the Board's offices regarding the allegations contained in Accusation No. 2013-143, finds  
9 that the charges and allegations in Accusation No. 2013-143, are separately and severally, found  
10 to be true and correct by clear and convincing evidence.

11 11. Taking official notice of its own internal records, pursuant to Business and  
12 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
13 and Enforcement is \$1,037.50 as of September 25, 2012.

#### 14 **DETERMINATION OF ISSUES**

15 1. Based on the foregoing findings of fact, Respondent Mary Lois Benjamin, aka Mary  
16 Lois Rahming has subjected her Registered Nurse License No. 479254 to discipline.

17 2. The agency has jurisdiction to adjudicate this case by default.

18 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered  
19 Nurse License based upon the following violations alleged in the Accusation which are supported  
20 by the evidence contained in the Default Decision Evidence Packet in this case.

21 a. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of  
22 the Code on the grounds of unprofessional conduct in that on or about March 16, 2005, the  
23 Arizona State Board of Nursing ("Arizona Board") disciplined Respondent's license in that state.  
24 Specifically, the Arizona Board made findings of fact, conclusions of law and issued Order No.  
25 0209076 revoking Respondent's professional nurse license. The circumstances underlying the  
26 disciplinary action by the Arizona Board are described in more particularity in Accusation No.  
27 2013-143 hereby incorporated by reference.  
28

1       b.     Respondent is subject to disciplinary action under section 2761, subdivision (a) of the  
2     Code on the grounds of unprofessional conduct. The conduct is described in more particularity in  
3     Accusation No. 2013-143 hereby incorporated by reference.

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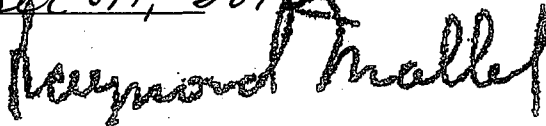
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**ORDER**

IT IS SO ORDERED that Registered Nurse License No. 479254, heretofore issued to Respondent Mary Lois Benjamin, aka Mary Lois Rahming, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on January 14, 2013

It is so ORDERED December 14, 2012  


FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

default decision\_LIC.rtf  
DOJ Matter ID:LA2012507082

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 KATHERINE MESSANA  
Deputy Attorney General  
4 State Bar No. 272953  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2554  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-143**

13 **MARY LOIS BENJAMIN, AKA MARY**  
14 **LOIS RAHMING**

**A C C U S A T I O N**

15 217 W. 66th Street  
16 Los Angeles, CA 90003

17 Registered Nurse License No. 479254

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about June 30, 1992, the Board of Registered Nursing issued Registered Nurse  
24 License Number 479254 to Mary Lois Benjamin, aka Mary Lois Rahming ("Respondent"). The  
25 Registered Nurse License expired on January 31, 2008, and has not been renewed.

26 **JURISDICTION AND STATUTORY PROVISIONS**

27 3. This Accusation is brought before the Board of Registered Nursing ("Board"),  
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code ("Code") unless otherwise indicated.

2 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline  
3 any licensee, including a licensee holding a temporary or an inactive license, for any reason  
4 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
6 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
7 disciplinary action during the period within which the license may be renewed, restored, reissued  
8 or reinstated.

9 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
10 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
11 licensee or to render a decision imposing discipline on the license. Section 2811(b) of the Code  
12 provides, in pertinent part, that the Board may renew an expired license at any time within eight  
13 years after the expiration.

14 7. Section 2761 of the Code provides, in pertinent part:

15 "The board may take disciplinary action against a certified or licensed  
16 nurse or deny an application for a certificate or license for any of the following:

17 (a) Unprofessional conduct, which includes, but is not limited to, the  
18 following:

19 ...

20 (4) Denial of licensure, revocation, suspension, restriction, or any other  
21 disciplinary action against a health care professional license or certificate by another  
22 state or territory of the United States, by any other government agency, or by another  
23 California health care professional licensing board. A certified copy of the decision or  
24 judgment shall be conclusive evidence of that action."

#### 25 COST RECOVERY

26 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licensee found to have committed a violation or violations of  
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the Arizona State Board of Nursing)**

3 9. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of  
4 the Code on the grounds of unprofessional conduct in that Respondent was disciplined by the  
5 Arizona State Board of Nursing ("Arizona Board"), as follows:

6 10. On or about March 16, 2005, the Arizona Board made findings of fact, conclusions of  
7 law and issued Order No. 0209076 revoking Respondent's professional nurse license in the  
8 disciplinary matter entitled *In the Matter of Professional Nurse License No. RN077767 Issued to:*  
9 *Mary Lois Benjamin aka Mary Lois Rahming*. The circumstances underlying the disciplinary  
10 action by the Arizona Board are as follows:

11 a. On or about August 22, 2002, while employed by All Medical Staffing and assigned  
12 to work at Plaza Healthcare in Scottsdale, Arizona, Respondent conducted herself  
13 unprofessionally while assigned to care for resident R.M. when she allegedly delayed  
14 administration of pain medication for two to two and a half hours after requested by R.M., refused  
15 to provide eye care to R.M., made rude verbal comments to R.M. and flushed R.M.'s gastrostomy  
16 tube with ice water causing R.M. gastrointestinal discomfort.

17 b. On or about October 1991, Respondent submitted her initial application for licensure  
18 by endorsement to the Arizona Board. Respondent failed to disclose her Texas R.N. license that  
19 was issued on or about October 14, 1981. Respondent also failed to disclose a disciplinary action  
20 by the United States Army for "other unprofessional conduct on or about November 7, 1988.

21 c. On or about November 20, 2000, Respondent submitted a renewal application to the  
22 Arizona Board and failed to disclose her R.N. licenses in California, Pennsylvania, New York,  
23 South Carolina and Texas.

24 d. On or about December 22, 1987, Respondent was found guilty of two counts of  
25 disobeying a lawful order from a superior officer, three counts of behaving with disrespect  
26 towards a superior officer, failing to be at her appointed place of duty on 18 different dates and  
27 for disorderly conduct in the company of enlisted soldiers. On or about December 22, 1987, her  
28 sentence included her dismissal from the service and confinement in a military jail for one year.

1 Respondent's confinement was later rescinded and reduced to time served, three days. On or  
2 about August 23, 1989, Respondent's sentence was upheld on appeal. On or about June 20, 1990,  
3 Respondent ceased to be an officer in the United States Army. The conduct underlying the Court  
4 Martial is that on or about April 12, 1988, in General Court Martial 37 in the Headquarters, 4th  
5 Infantry Division (Mechanized), Fort Carson, Colorado, Respondent who was a 2nd Lieutenant at  
6 the U.S. Army Medical Center Brigade at Fitzsimmons Army Medical Center in Aurora, CO, was  
7 charged with conduct unbecoming of an officer for offenses occurring on or between March 13,  
8 1987, and October 21, 1987, including disobeying and disrespecting a superior officer, disorderly  
9 conduct in the presence of enlisted soldiers and failing to appear at her assigned duty station on  
10 18 different occasions. The conduct described included telling a superior officer, with words to  
11 the effect, "I am not going to the mental status evaluation appointment, I have my own priorities  
12 and you should keep the mental status appointment for yourself," and for throwing the contents of  
13 her urine sample specimen container to the floor in an act of contempt, thereby splashing a  
14 noncommissioned officer.

15 e. From on or about June 2000 to on or about March 5, 2001, and from on or about  
16 January 14, 2004 to on or about April 13, 2004, Respondent was employed as a registry nurse for  
17 Dependable Nurses, Inc. ("DNI") in Phoenix, Arizona. Respondent's employee records indicated  
18 that from on or about October 1997<sup>1</sup> to on or about February 2001, Respondent was counseled  
19 approximately 12 different occasions that she fell asleep while on duty either sitting or standing.  
20 When confronted about the incidents, Respondent became defensive, rude and/or angry.  
21 Respondent was made a "do not return" in at least 13 facilities for this behavior. Respondent's  
22 work performance was rated either "unsatisfactory" or "needs improvement" in several areas.

23 f. On or about June 22, 2000, while employed by DNI, Respondent was assigned to a  
24 medical unit at St. Joseph's Hospital and Medical Center in Phoenix, Arizona. The unit's charge  
25 nurse, in a written complaint to DNI, expressed her concern that the company assigned a "new  
26 grad nurse" to their unit. The charge nurse indicated that Respondent was unable to draw up two

27 <sup>1</sup> This inconsistency is contained in the certified Arizona State Board of Nursing document. It  
28 would appear that 1997 is a typo as Respondent was not employed by DNI until approximately June 2000.

1 (2) units of Insulin without assistance. In response, DNI confirmed Respondent's 17 year work  
2 history as a R.N.

3 g. From on or about June 13, 2003, to on or about July 13, 2003, Respondent was  
4 employed by Bridge Staffing, Inc. and assigned to work at Medical Center at the University of  
5 South Carolina as a traveling nurse. Respondent's employment was terminated early from her  
6 block assignment due to her time and attendance issues.

7 h. From on or about January 27, 2003, to on or about February 2, 2003, Respondent was  
8 employed by US Staffing Corporation, Inc. and assigned to work at a hospital in Pennsylvania.  
9 Respondent's employment was involuntarily terminated for her "violation of company policies  
10 and unsatisfactory performance."

11 i. On or about December 31, 2002, the Arizona Board received Respondent's written  
12 response to the complaint. Respondent failed to disclose her nursing licenses in Pennsylvania,  
13 New York, Texas, Georgia and South Carolina.

14 j. On or about April 2, 2004, Respondent was interviewed by two Arizona Board  
15 consultants regarding the complaint. She provided evasive information about her Court Martial.  
16 Respondent would not confirm or deny her discharge status from military service.

17 k. On or about May 21, 2004, the Arizona Board issued an Interim Order for  
18 Respondent to undergo a psychological evaluation with psychometric testing by an Arizona  
19 Board approved evaluator. On or about June 30, 2004, Respondent underwent the evaluation.  
20 The evaluator opined that Respondent has difficulty with authority, Respondent has moderate to  
21 severe inefficiency in the area of concept formation and problem solving, that the evaluator has  
22 concern related to multiple incidents of sleeping while on duty, that Respondent's behaviors  
23 documented over time may reflect a possibility of substance abuse or neurological insult. The  
24 evaluator recommended that Respondent also receive a neuropsychological evaluation in order to  
25 facilitate a differential impression and consequent interventions.

26 l. On or about July 22, 2004, the Arizona Board issued a consent agreement for a 24  
27 month practice probation, with attached stipulations and required Respondent to undergo a  
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1 neuropsychological evaluation and complete all treatment recommendations by the Arizona  
2 Board approved evaluator.

3 m. From on or about August 8, 2004, to on or about September 3, 2004, Respondent was  
4 employed by Dependable Nurses of Tucson ("DNT") as a registry nurse and assigned to work as  
5 a staff nurse at Devon Gables in Tucson, Arizona.

6 n. On or about September 2, 2004, a complaint was filed by DNT and Dependable  
7 Home Health ("DHH") Service of Tucson. The complaint alleged that on or about August 30,  
8 2004, Respondent visited the home of a DHH patient without authorization for 5 or 6 hours.  
9 Respondent allegedly performed a physical assessment of the patient's respiratory system without  
10 medical equipment, informed the patient that she was in congestive heart failure and instructed  
11 the patient to take an extra dose of diuretic medication (Lasix) and increased the patient's oxygen  
12 level from 2 liters per minute to 4.5 liters per minute without notifying or contacting the patient's  
13 physician, the assigned home health nurse and the home health agency.

14 o. On or about September 3, 2004, Respondent was terminated by DNT and instructed  
15 not to have further contact with the patient.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct)**

18 11. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the  
19 Code on the grounds of unprofessional conduct. The circumstances underlying the  
20 unprofessional conduct are described in more particularity in paragraph 9, subdivisions (a)  
21 through (o) above, inclusive, and herein incorporated by reference.

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3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 479254, issued to Mary  
7 Lois Benjamin, aka Mary Lois Rahming;

8 2. Ordering Mary Lois Benjamin, aka Mary Lois Rahming to pay the Board of  
9 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
10 pursuant to Business and Professions Code section 125.3;

11 3. Taking such other and further action as deemed necessary and proper.  
12  
13

14 DATED:

*August 24, 2012*

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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